

RPAC By-laws

1-17-12

On June 8, 2010, senate Bill 234 was signed into law establishing the Recycling Public Advisory Council in Delaware law with new composition, directives and responsibilities. Among the directives is the power to adopt by-laws for the RPAC. The following is an excerpt of the language from SB234 pertaining to the RPAC and the by-laws that the RPAC has adopted.

I. *Selected wording from SB234*

“Actions of the Council shall be approved by a majority vote of the Council. At least nine (9) members of the Council shall constitute a quorum. The Council may adopt by-laws as it deems appropriate to serve the purposes of this Subchapter.

(c) The Recycling Public Advisory Council shall:

1. Advise the Department and the Authority on all aspects of recycling;
2. Advise the Department in developing criteria for the Recycling Grants and Low Interest Loan Program and selection of applications as well as provide an annual assessment of the revenue needed to satisfy the grant requirements;
3. Maintain, in conjunction with the Department and the Authority, a methodology for measuring recycling rates;
4. Provide advice and recommendations regarding the recycling outreach and education programs conducted by the Authority and/or the Department;
5. Report to the Governor and the General Assembly annually by November 1 of each year on the status of recycling activities in Delaware. Said report shall include, but not be limited to the following:
 - a. Status of attainment of the recycling goals specified in 7 Del. C. §6056;
 - b. An accounting of the recycling grants and loan program and any recommendations for future funding of the grants and loan program;
 - c. An assessment of the activities of both the Department and the Authority in achieving the recycling goals specified in 7 Del. C. §6056;
 - d. An objective, auditable accounting of recycling rates for total solid waste, municipal solid waste, and residential solid waste;
 - e. Such other recommendations as the Council shall deem appropriate; and
 - f. Use the definitions of “recycling” and “municipal solid waste” as stated by the United States Environmental Protection Agency in its document EPA530-R-97-011 dated September 1997. The Council shall be able to adopt changes to these definitions.”

II. *Conduct and Participation*

- A. All members of the RPAC shall always conduct themselves in a respectful manner while engaged in Council meetings.
- B. The opinion of every member of the Council is valuable and every member present at a meeting shall be given a reasonable opportunity to share their opinion on a given Council related topic.

- C. RPAC meetings shall generally be conducted in as informal a manner as the subject matter and attendance permit. Meetings with large attendances may need to be conducted more formally in order to complete the Council business in a timely and respectful manner.
- D. All RPAC activities involving a quorum of members shall be open to the public and subject to the State's FOIA laws. To the greatest extent reasonably possible all other activities of the RPAC shall be conducted publicly and be open to the public.
- E. To encourage public participation throughout the state, the location of the Council meetings shall be held in alternating locations in Delaware's three counties.
- F. All members of the Council must participate in at least one subcommittee and may participate in any or all subcommittees. Members of the public may also be invited to participate in subcommittees.

III. *Procedures*

- A. The RPAC shall generally attempt to operate and conduct their meetings per the guidelines identified in Robert's Rules of Order except where specifically indicated otherwise in the RPAC's By-laws.
- B. The RPAC encourages public participation in our meetings. Except when a motion is actively being debated, the public may be invited to speak at any point during the Council proceedings. In all cases, the agenda will always include an opportunity for public comment near the beginning and the end of each council meeting.
- C. Any Council member, while they have the floor, may request to the Chair that a non-Council member speak to a motion being debated. The chair will accept all such requests subject to reasonable time constraints.
- D. A majority vote of the Council shall mean a majority of the members present at a duly scheduled and held meeting of the Council where a quorum is present.
- E. Council members shall be permitted to participate in Council meetings via conference call when the facilities permit this to be possible. As RPAC meetings are held in varying locations about the State, there is no guarantee that this will be available for any given meeting.
 - a. In the event that a Council member participates via conference call, this will be indicated on the meeting minutes as "Present via conference call". However, participation via conference call shall not constitute "attending" a Council meeting as required elsewhere in these by-laws.
 - b. Members present via conference call shall be permitted to vote on motions provided that there is a physical quorum present. The presence of Council members via conference call shall not be counted towards quorum.

- F. In accordance with 29 Del. C. §10006, Council Members may participate in Council meetings via video conferencing and will be counted towards the quorum present. The following procedures shall apply to participation via video conferencing:
- a. Council Members must request participation via video conferencing at least one month in advance of the next meeting and provide DNREC confirmation of a publically accessible location with video conference capability where the Council Member can participate from. The Council Member requesting video conferencing must reserve the room and ensure that members of the public can participate from that location.
 - b. If DNREC can find a second location for the majority of the Council Members to meet in the designated County, DNREC will reserve the room and make video conferencing arrangements. If DNREC cannot find an appropriate location, DNREC will notify the requesting Council Member.
 - c. DNREC will notify the public of both meeting locations.
- G. In the event that a Council member has a conflict of interest in regards to a grant or loan request, said Member will recuse his or her self from voting on the grant or loan in question.
- H. Council Members may designate a proxy for any Council meeting, but must do so in writing prior to the meeting. Notice may be made via e-mail and should be made to at least the Chair. Members can file a proxy notice either on a case-by-case basis or notify the Chair of a Standing Proxy.
- I. Council members or their Proxies are expected to attend all Council meetings and to actively participate in Council business. The Council may request a replacement Member from the governor if a Council Member or their proxy, misses three meetings in any 12 month period.
- J. All motions longer than 100 words or three sentences may be required to be made in writing by the Chair.
- K. These By-laws may only be modified by a super majority 75% of the quorum.

IV. *The Role of the Chair*

- A. The chair is charged with creating the agenda for the council meetings.
- B. The chair may call 'special' meetings if required to complete pressing Council business.
- C. The chair may only make the following Motions: To adjourn, to create a subcommittee, to table debate until the following Council meeting.
- D. The chair may only vote on a Motion when his or her vote would break a tied vote or cause a vote to be tied.
- E. The chair may appoint any other member of the Council to act as chair for a meeting if the chair is unable to attend.